

BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:

MARY MADISON

V

No. 12-0410

COMMONWEALTH EDISON COMPANY

Complaint as to over billing
in Chicago, Illinois.

Chicago, Illinois
July 31, 2014

Met pursuant to notice at 10:00 a.m.

BEFORE :

MS. SONYA TEAGUE KINGSLEY, Administrative Law
Judge.

APPEARANCES:

MS. MARY MADISON
1525 West 79th Street
Chicago, Illinois 60620
appeared pro se;

1 APPEARANCES: (Cont'd.)

2

MR. MARK L. GOLDSTEIN
3 3019 Province Circle
Mundelein, Illinois 60060
4 appeared for ComEd;

5

MS. REBECCA A. GRAHAM
6 115 South LaSalle Street
Suite 2600
7 Chicago, Illinois 60603
appeared for ComEd.

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9

ALSO PRESENT:

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MS. ERIN BUECHLER
11 Representative of ComEd.

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18 SULLIVAN REPORTING COMPANY, by
Teresann B. Giorgi, CSR
19 084-000977

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I N D E X

<u>Witnesses:</u>	<u>Dir.</u>	<u>Crx.</u>	<u>Re-</u> <u>dir.</u>	<u>Re-</u> <u>crx.</u>	<u>By</u> <u>Examiner</u>
NONE					

E X H I B I T S

<u>APPLICANT'S</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
NONE		

1 JUDGE TEAGUE KINGSLEY: Pursuant to the
2 direction of the Illinois Commerce Commission, I now
3 call Docket No. 12-0410, Mary Madison versus
4 Commonwealth Edison Company. This matter concerns a
5 complaint as to overbilling in Chicago.

6 Will the parties please enter their
7 appearances for the record.

8 MS. MADISON: Mary Madison, 1525 West 79th
9 Street, Chicago, Illinois 60620.

10 MR. GOLDSTEIN: For Commonwealth Edison Company,
11 Mark L. Goldstein, 3019 Province Circle, Mundelein,
12 Illinois 60060. My telephone number is
13 847-949-1340.

14 MS. GRAHAM: Rebecca Graham, 115 South LaSalle
15 Street, Suite 2600, Chicago, Illinois 60603. My
16 telephone number is 312-505-8154.

17 And with us today is Erin Buechler
18 from ComEd.

19 JUDGE TEAGUE KINGSLEY: Thank you.

20 Well, last time we all spoke we were
21 talking about making sure the meters readings were
22 going every month. And I wanted to check on the

1 status. I glanced at the e-mail that was sent to --
2 I guess, Ms. Graham.

3 Well, my first question was, did you
4 all get to talk? Did you get to talk to ComEd's
5 attorney because I know she was trying to reach you.

6 MS. MADISON: I e-mailed her.

7 MS. GRAHAM: We never spoke. I attempted to
8 call several times and e-mailed a few times, asking
9 that Ms. Madison call me but we never connected.

10 MS. MADISON: I e-mailed her in response to the
11 call.

12 JUDGE TEAGUE KINGSLEY: But no call back.

13 MS. MADISON: No.

14 JUDGE TEAGUE KINGSLEY: Okay. So, what's going
15 on?

16 So, none of the readings have been
17 done since our last --

18 MS. MADISON: No. In June nobody showed up. We
19 didn't have a concrete time to -- when we left the
20 understanding was the regular meter reader would
21 read the meter on the regular meter read day.

22 MR. GOLDSTEIN: I don't recall that. If that's

1 in the transcript then that's what it is. But I
2 don't recall that.

3 MS. BUECHLER: We had two dates set up. On
4 June 20th the reader did go out there; however, he
5 did not follow the process we had set up where he
6 would contact the contact number. So that was a
7 misreading.

8 On the 22nd of July the reader was out
9 there, did follow the process to call, no one met
10 us.

11 JUDGE TEAGUE KINGSLEY: On July 22nd?

12 MS. BUECHLER: Yes.

13 JUDGE TEAGUE KINGSLEY: Was it June 20th, was it
14 that the one we talked about last time?

15 MS. MADISON: Yes, we talked about those two
16 dates.

17 And on July -- because nobody came on
18 in June, so -- I mean -- I guess I was just left
19 under the impression that the meter reader was
20 coming, you know, at the normal -- during that day
21 or whatever, so between 8:00 and 9:00 on the 20th of
22 June.

1 JUDGE TEAGUE KINGSLEY: Right, but they didn't
2 come for that one.

3 MS. MADISON: Right.

4 JUDGE TEAGUE KINGSLEY: But on July 22nd --

5 MS. MADISON: Right.

6 And the person who I was able to get
7 to come, they came like later in that day because --
8 I mean, at 8:00 to 9:00 the last time nobody came
9 and --

10 JUDGE TEAGUE KINGSLEY: Yeah, but that was the
11 time -- I have it in my notes, July 22nd, 8:00 to
12 9:00 was --

13 MS. MADISON: Okay. Then I misunderstood at
14 that point because nobody showed up between 8:00 and
15 9:00 on June 20th and the two preceding times before
16 that nobody showed up either.

17 JUDGE TEAGUE KINGSLEY: That's what I'm confused
18 about.

19 The June 20th -- when we came -- when
20 we met last time we were talking about how ComEd had
21 admitted that they made a mistake. Is that the
22 meeting --

1 MS. MADISON: No, ma'am. That was previous
2 before then.

3 So, okay, in scope of what happened.
4 We were supposed to have meter reads in January,
5 February, March and April. And in January, February
6 we had meter reads. March and April we did not have
7 meter reads as prescribed. And those were misreads
8 from there.

9 So, when we had come back in April, we
10 agreed that we would try this two additional times
11 to make up for the two times that were missed by the
12 meter reader. So, when nobody came between 8:00 to
13 9:00 on the first time in June -- because we said it
14 would be on the regular meter read day -- because
15 nobody came -- I mean, nobody really knew what time
16 to come again on the 22nd because --

17 JUDGE TEAGUE KINGSLEY: Can I ask you a
18 question, Ms. Madison.

19 MS. MADISON: Yes, ma'am.

20 JUDGE TEAGUE KINGSLEY: If there was confusion,
21 why didn't someone call ComEd if you were confused
22 when you should have someone there?

1 MS. MADISON: For the 22nd?

2 JUDGE TEAGUE KINGSLEY: Yeah. You said there's
3 been all these problems. You didn't know when they
4 would come.

5 MS. MADISON: Yeah, because she -- when I left
6 and I thought that I had probably misunderstood the
7 first time that when she said we would be on the
8 regular meter read day, that it was subjected to the
9 regular meter read time. Because we -- I don't
10 recall or I did not write down if it was the case
11 that it was between 8:00 and 9:00 a.m., as the
12 previous standard time, because no one had showed up
13 before.

14 And I understand, I guess in theory I
15 could have called but -- I mean, considering that we
16 keep talking about the meters being read, but the
17 meter that we're talking about now that is to be
18 read is not the meter that was in question when all
19 of this arose.

20 The problem with the whole situation
21 is that I got, on top of what I had originally been
22 billed and paid for, was a surplus of additional

1 monies that was said that was owed.

2 JUDGE TEAGUE KINGSLEY: I don't mean to
3 interrupt you, but I guess I'm confused.

4 Before we weren't talking about this.
5 We were talking about getting this meter read. So,
6 now it seems like you don't even want to have this
7 one read because --

8 MS. MADISON: Oh, I don't have a problem with
9 that. But my question is, I keep asking is, how is
10 reading this meter going to eradicate the
11 overbilling issue?

12 JUDGE TEAGUE KINGSLEY: Do you want them to
13 explain to you -- because I think earlier we kind of
14 went over why they were doing it, but --

15 MS. MADISON: No. We never --

16 JUDGE TEAGUE KINGSLEY: Okay. So, let them
17 explain --

18 MS. MADISON: We kind of never went over it.
19 And I want to put a few more talking points out here
20 so that we can be clear because we kind of danced
21 around what has occurred.

22 JUDGE TEAGUE KINGSLEY: Well, the problem is --

1 here's the issue is that we -- you have an
2 opportunity to have a trial, right --

3 MS. MADISON: Yes.

4 JUDGE TEAGUE KINGSLEY: -- to present these
5 issues before me.

6 What we're trying to do is get a meter
7 reading and I want them to explain to you why we're
8 going to do the meter reading. And I understand
9 what you're saying, you want to get to the meat of
10 the matter and all issues, but that's what we're
11 going to do at the trial. But right now we're
12 trying to get the meter reader in there to get some
13 consecutive readings. And they can explain to
14 you -- I think we did go over it a little bit
15 before, I recall, but I'll have them explain it.

16 MR. GOLDSTEIN: I guess the simple way to
17 explain it is that meter readings actually help you
18 in that meter readings can be used to further adjust
19 the account on 79th Street. The more readings we
20 get, the better idea we have of what your usage is
21 out there, you know.

22 We understand, in the hearing room

1 here, that your business has changed drastically
2 since 2009/2010. But, on the other hand, the
3 Company has already adjusted the account. The
4 account was around \$40,000 and now it's about 29.
5 So, we're moving in a direction that is beneficial
6 to you. We just need more readings.

7 JUDGE TEAGUE KINGSLEY: Is that okay?

8 MS. MADISON: You know what, in theory I
9 understand exactly what he's saying. But, again,
10 what I'm saying is, I understand -- see, this is the
11 problem that I have, it's like they lumped like
12 \$15,000 on there and they're moving forward from
13 there. The bills were aggregated predicated upon
14 what that amount was retroed (sic) how they devised
15 the projected bills moving forward.

16 So, moving forward -- say, for
17 instance, the bill was \$1, then they added 15 cents
18 onto there, so that's \$1.15. So, now, instead of me
19 being at a rate of \$1, it's \$1.15 moving forward,
20 projected to increase this 40- -- to this \$40,000
21 bill.

22 Now, clearly, we hadn't been, you

1 know, engaged in active business for, you know, some
2 time now. So, on top of what it originally was, you
3 added about \$20,000 and we're not, you know, really
4 engaged in it. So, I'm having a problem with that.

5 I also understand that the meter reads
6 that are moving forward give a baseline for how to
7 compute what the bill is now, but that still does
8 not give me a baseline about where the bill should
9 have been in the first place. Because -- the
10 biggest chunk of this money was over and beyond
11 what I had already paid. So, it wasn't like, you
12 know --

13 MR. GOLDSTEIN: Well, let me --

14 MS. MADISON: -- I just got one bill one time
15 for like 13 or \$15,000 at one time. And I'm like,
16 you've got to be kidding me.

17 So, what I'm saying is, I understand
18 that the moving forward part, but how are we going
19 to correlate the moving forward part backwards?

20 And with -- and the other problem that
21 I had is, they told me they were going to test the
22 meters. The meters guy removed and exchanged. I

1 have asked, What was the disposition on the meter?

2 Because how do I know that the meter was even

3 functioning properly to begin with?

4 JUDGE TEAGUE KINGSLEY: Can you address that

5 issue?

6 MS. BUECHLER: The meter has been tested. We've

7 been through this several times. The meter had to

8 be removed because the conditions were unsafe and

9 the type of meter that it was, the tech couldn't

10 test it there, so it went to our meter shop. It is

11 still at our meter shop available for inspection.

12 And the meter tested within limits.

13 MS. MADISON: Where is that data at?

14 MS. BUECHLER: I believe we provided that at one

15 of the status hearings --

16 MS. MADISON: No, I never got it.

17 She talked about them removing the

18 meter because they had to test it, but they removed

19 two meters.

20 MR. GOLDSTEIN: You know, you can lump together

21 15 different issues in one sentence. I don't know

22 that that moves anything forward.

1 Let me ask this one sort of simple
2 question to Ms. Madison.

3 I've got her account activity
4 statement in front of me that goes back two years,
5 Judge, and this is the ordinary account activity
6 statement that ComEd generally provides, and as
7 you're well aware, would provide at an evidentiary
8 hearing. And over the last two years, I don't show
9 a single payment. Not a single payment on this
10 account.

11 MS. MADISON: Absolutely not. Because again, as
12 I say --

13 MR. GOLDSTEIN: Not a single payment.

14 MS. MADISON: Absolutely not.

15 MR. GOLDSTEIN: So, how do we --

16 MS. MADISON: Because the payment isn't the
17 issue because the bill --

18 MR. GOLDSTEIN: The payment is an issue.

19 MS. MADISON: -- is disputed because of the fact
20 that you have predicated what the new bill is based
21 upon the amount of money that you added on on top of
22 this to give a projected bill.

1 Now, I hear exactly what you're
2 saying --

3 JUDGE TEAGUE KINGSLEY: You're saying her
4 current bill hasn't been paid in two years.

5 MR. GOLDSTEIN: I'm saying she hasn't made a
6 single payment in the last two years. Nothing.
7 Absolutely nothing.

8 Why don't we just go to evidentiary
9 hearing and sort all this out. There's no payment
10 on this account.

11 MS. MADISON: I can't pay --

12 JUDGE TEAGUE KINGSLEY: I'm just trying to
13 clarify. When you say --

14 MR. GOLDSTEIN: Even if you pay \$50 a month --

15 JUDGE TEAGUE KINGSLEY: Okay. I'm just trying
16 to clarify.

17 When you say there is no payment, are
18 you talking about on the current bill, not the
19 disputed amount?

20 MR. GOLDSTEIN: On any bill, period. Nothing
21 has been paid in two years, on the bills that have
22 been issued over the last two years.

1 So, you know -- you know, Ms. Madison
2 has been the beneficiary of free electricity.

3 MS. MADISON: I have not been a beneficiary --

4 JUDGE TEAGUE KINGSLEY: Okay. We have been --
5 let me stop this.

6 We have been doing this for quite some
7 time.

8 MS. MADISON: Yes, we have.

9 JUDGE TEAGUE KINGSLEY: And you -- Ms. Buechler
10 mentioned that the meter was tested and have the
11 results and that the meter is available.

12 You know, as Mr. Goldstein suggested,
13 if you want to just proceed to a trial, we can do
14 that. I would make a suggestion, if you want to get
15 a refereed test, or whatever, on the meter, I can
16 give you the number so you can do that. But I don't
17 know, since they said they've already tested the
18 meter, we have test results, but if that makes you
19 feel better to have that test done and then you'll
20 have results regarding that meter.

21 But I do agree with Mr. Goldstein and
22 Ms. Buechler, that it would have been helpful to get

1 these --

2 MS. MADISON: I don't have a problem in getting
3 that.

4 But what I'm saying is --

5 JUDGE TEAGUE KINGSLEY: But how long have we
6 been doing this?

7 MS. MADISON: We've been doing this an
8 inordinate amount of time.

9 But I'm going to say this -- I mean, I
10 have availed myself to trying to do this three out
11 of the last six times. Nobody has showed up or
12 did -- come when they were supposed to.

13 JUDGE TEAGUE KINGSLEY: No, but you also -- we
14 talked about this before, you haven't been
15 available, too. Both parties have been having
16 issues. Like, remember before we talked about how
17 you weren't staying long enough and then you were,
18 you know. Then this last one on July 22nd, you
19 know, my notes say they were supposed to be there
20 from 8:00 to 9:00, you said you weren't sure because
21 before they weren't showing up, so someone just came
22 at some other time.

1 MS. MADISON: Yeah, they came at mid-day -- I
2 mean, like, I'm -- I mean --

3 JUDGE TEAGUE KINGSLEY: I know. But I'm just
4 saying -- the point is, and I'm just saying, it
5 seems like both parties are having issues with
6 something very simple --

7 MS. MADISON: Yes.

8 JUDGE TEAGUE KINGSLEY: -- of getting a meter
9 read.

10 MS. MADISON: I'll be willing to concede, again,
11 to try to get how many ever meter reads they deem
12 necessary. You know, I'm willing -- I don't really
13 know, you know, what -- I don't know what this
14 process is. Because, see, what I read in the Codes
15 and the Titles don't quite, you know, add up to, you
16 know, the experience that I'm having here.

17 I'm asking for results. I'm asking
18 why these things happen. You know, she tells me one
19 meter couldn't be tested in the field, but they
20 exchanged two meters. I mean, you know, it's just
21 things that aren't -- don't really fundamentally,
22 you know, make sense to me.

1 MR. GOLDSTEIN: Well --

2 JUDGE TEAGUE KINGSLEY: Ms. Buechler, are there

3 two meters and do they both have --

4 MS. BUECHLER: There's two meters for the

5 restaurant account. I believe only one was removed,

6 but --

7 MS. MADISON: No, two were removed. Because

8 you've said that the last time we were here. You

9 read the meter number.

10 MS. BUECHLER: Well, I don't have my notes on

11 that, Judge. I'm more than happy to provide the

12 test results via e-mail to Ms. Madison, we can do

13 that, since she's requested it. I don't have my

14 notes on what was exchanged since it happened quite

15 a bit ago. I apologize.

16 MR. GOLDSTEIN: It just seems to me, Judge, that

17 further meter readings aren't going to be very

18 productive. Unless the Company adjusts the account

19 down to zero, I assume that Ms. Madison will not be

20 happy. The Company is not willing to do that.

21 Let's have a trial. Let's finish this, so we'll --

22 we're well beyond the one year time period for

1 determining this complaint.

2 MS. MADISON: Well, I would have to banture
3 (sic) back and say that your presumption is
4 incorrect in it being zeroed down. But, matter of
5 factly -- I just want to know what --

6 MR. GOLDSTEIN: Make an offer to settle it.
7 Tell us what you --

8 MS. MADISON: No. No. No. I'm not going to --

9 JUDGE TEAGUE KINGSLEY: Do you want to try to
10 settle --

11 MS. MADISON: What -- no --

12 JUDGE TEAGUE KINGSLEY: Let's go off the record
13 for a minute.

14 (Whereupon, a discussion
15 was had off the record.)

16 JUDGE TEAGUE KINGSLEY: We're back on the
17 record.

18 Let the record reflect that the
19 parties took some time to discuss this matter and
20 see if they might be able to come to settle this
21 matter voluntarily. Complainant advised me that
22 she's going to think about those discussions and get

1 back to ComEd.

2 And in the meantime we're going to set
3 an evidentiary hearing date in case the parties
4 aren't able to come to an agreement.

5 Do you have any suggested dates?

6 MS. MADISON: 60 days out would be somewhere
7 around the 1st of October, first week in October.

8 JUDGE TEAGUE KINGSLEY: How about October 9th?
9 Does that work?

10 MS. MADISON: Yes, it does.

11 MR. GOLDSTEIN: That's fine with us.

12 JUDGE TEAGUE KINGSLEY: Would 10:00 or 11:00 --

13 MR. GOLDSTEIN: 11:00 o'clock, Judge.

14 JUDGE TEAGUE KINGSLEY: Does that work for you,
15 Ms. Madison?

16 MS. MADISON: Yes, ma'am.

17 JUDGE TEAGUE KINGSLEY: I did want to mention
18 that, you know, if you, Ms. Madison, decide you want
19 a refereed test, I have a number you can call to do
20 that. So, if you want to contact me if that's what
21 you want to do. Let me know.

22 Okay. Then this matter will be

1 continued until 9th at 11:00 a.m.

2 MS. BUECHLER: Judge, one more thing.

3 I'm going to hand Ms. Madison meter
4 reading histories for both meters back 2012, and
5 then a current activity statement. It's broken up
6 into two documents, but it goes back to 2012.

7 MS. MADISON: And what about the meter reading
8 test?

9 MS. BUECHLER: That will be e-mailed to you,
10 because I don't have that with me today.

11 JUDGE TEAGUE KINGSLEY: And you'll find out for
12 her if both were removed.

13 MS. BUECHLER: Yes. Yes, I have that on my
14 list.

15 JUDGE TEAGUE KINGSLEY: Okay.

16 (Whereupon, the above-entitled
17 matter was continued to
18 October 9th, 2014.)
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